

### **REMARKS**

This Amendment is being filed in response to the Office Action dated August 9, 2007. Claims 1 and 3-29 are currently pending and stand rejected in the application. Of these, claims 1, 19 and 24 are independent. By this Amendment, claims 1 and 3-29 are canceled and new claims 30-55 are added. Support for the new claims can be found at least in currently pending claims 1, 3-29 and paragraph [0006] of the specification as originally filed. Accordingly, no new matter has been added. Accordingly, claims 30-55 remain pending in this application. Applicants respectfully submit that claims 1, 3-29 have been canceled and the new claims have been added solely in order to better clarify the invention and not to limit or narrow the scope of the claims in any way. Applicants respectfully request reconsideration in light of the amendments and comments set forth herein, and respectfully maintain that this application is in condition for allowance.

### **Withdrawal of the Previous Rejections**

Applicants note with appreciation the withdrawal of the rejections set forth in the prior Office Action in response to the Amendment filed on May 29, 2007.

### **Rejection Under 35 U.S.C. §103**

All the pending claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,805,989 to Nakajima ("Nakajima"). Without addressing the merits of the Examiner's rejection herein, Applicants have canceled claims 1, 3-29 and present new claims 30-55 herein. Independent claims 30 and 51 are directed toward a photochromic lens having a multi-layer thin film coating applied on an outer surface of the lens, the lens exhibiting the visible colored appearance.

As the Examiner concedes, whereas Nakajima is directed to a multi-layer film, Nakajima fails to disclose or suggest applying the multi-layer film onto a photochromic lens. The Examiner asserts that it would have been obvious to utilize the multi-layer film of Nakajima with any type of lens for the purpose of exhibiting a visible colored appearance. Applicants respectfully traverse the rejection and the Examiner's assertion that such a modification of Nakajima would have been obvious.

Applicants respectfully submit that Nakajima is directed toward reflector mirrors, which traditionally have two drawbacks: (1) reduced ability to prevent glare from vehicle headlights to the rear and (2) reduced durability because the coatings formed on the glass substrate are highly vulnerable and prone to develop flaws. For example, surface flaws can develop when coated glass is contacted with sand or dust, or when rubbed by a brush during a car wash, etc. See Col. 2, lines 20-29. Nakajima thus developed a solution to address these drawbacks, namely, a multi-layered back reflecting mirror comprising a dielectric multi-layered coating having a composition to provide a reduced reflectance in the range of 480-550 nm, where high spectral luminous efficiency for dark adaptation occurs. See Col. 3, lines 2-6. Nakajima is directed to a coating that is interposed between the glass or plastic transparent substrate and a light-absorbing layer. See Col. 2, lines 55-60. In other words, the dielectric multi-layer coating of Nakajima is provided on the rear of the glass or clear plastic substrate in order to achieve the intended objective of Nakajima, more specifically, of improving the durability of the mirror.

In contrast, the invention as claimed is directed to a photochromic lens having a colored appearance and efficient photochromic activity, and thus Nakajima is not directed to resolving the same or related objective. Therefore, it would not have been obvious for one of

ordinary skill in the art interested in addressing the objectives of the invention as claimed herein to consider and modify the teachings of Nakajima in order to obtain the invention as claimed.

Furthermore, as described above, Nakajima is directed to applying the multi-layer coating film on the rear of the substrate, in contrast to the claims as amended herein, which recite that the coating film is applied on the outer surface of the lens. Applying the coating film on the outer surface of the lens would frustrate the purpose and objectives of Nakajima. The coating film would remain vulnerable to sand, dust, and rubbing from brushes, which Nakajima sought to address. Therefore it would not have been obvious to modify Nakajima to apply the coating film on the outer surface as claimed. Rather, Nakajima teaches away from such a modification.

Even if one modified Nakajima to apply the coating film on the outer surface of a photochromic lens, a layer of glass or plastic transparent substrate would have been added on top of the film, thus altering the composition of the coating. Such a modification would alter the reflective characteristics of the mirror, and would not have the desired characteristics described in Nakajima. Accordingly, the Examiner has failed to demonstrate a reasonable expectation of success of making the purported modification of Nakajima, and furthermore, Nakajima thus teaches away from such a modification.

Regarding dependent claims 43-47, an activation value is a parameter of a photochromic lens, and not of a multi-layer film. A film per se does not have an activation value. The Examiner's assertion that the activation value of a film can be adjusted by adjusting the number and thickness of layers is technically incorrect. Accordingly, the features as claimed would not have been inherent or obvious to one of ordinary skill in the art based on the multi-

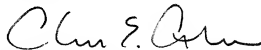
layer film of Nakajima, which does not disclose or suggest a photochromic lens or an activation value.

At least for the reasons set forth above, Applicants respectfully maintain that claims 30-55 are patentable over Nakajima and thus request withdrawal of the rejection.

Applicants respectfully submit that all outstanding rejections have been addressed and are now either overcome or moot and submit that all of the claims remaining in the application are in condition for allowance. Applicants respectfully request entry of this Amendment, and early and favorable action in the above-identified application.

No fee, other than the one month extension fee, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, the Examiner is hereby authorized to charge the amount of such fee to Deposit Account No. 19-4709.

Respectfully submitted,



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